

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:21-CV-87-FL

ROSIE HOPKINS,)
)
Plaintiff,)
)
v.)
)
STATE OF NORTH CAROLINA;)
PATHWAYS FOR PEOPLE, INC.; JAMIE)
WEST, Owner, Pathways for People, Inc.;)
MICHELLE SULLIVAN, Owner,)
Pathways for People, Inc.; GLORIA)
ROTHROCK, Owner, Pathways for People,)
Inc.; NC INDUSTRIAL COMMISSION;)
TAMARA NANCE, Chief Deputy, NC)
Industrial Commission; OFFICER SEAN)
MYERS, Apex Police Department; PAUL)
MITCHEL MCKINNON MCKINNEY;)
JUDGE RICHARD MYERS II;)
VILLAGES OF APEX CLUB HOA;)
DEBRA GABRIELLE, Villages of Apex)
Club House HOA; and ANTHONY)
SACCO, Villages of Apex Club House)
HOA,)
)
Defendants.)

ORDER

This matter is before the court on pro se plaintiff's motion to "postpone" this case "until after the appeal board [has] rendered their decision" and seeking recusal by the undersigned and United States Magistrate Judge Robert T. Numbers, II. (DE 34).

In seeking recusal, plaintiff contends the undersigned and magistrate judge engaged in actions to "sabotage" plaintiff's federal case including by conspiring with named defendants to

“prevent [plaintiff] from receiving justice and award.”¹ (Id. at 4). Review of plaintiff’s motion, liberally construed, reveals no reasonable basis for questioning the undersigned or magistrate judge’s impartiality. See United States v. Glick, 946 F.2d 335, 336-37 (4th Cir. 1991). That part of plaintiff’s motion seeking recusal accordingly is DENIED.

Turning, then, to that part of her motion seeking an extension of time, plaintiff commenced this action June 24, 2021. Following review pursuant to 28 U.S.C. § 1915(e) plaintiff was ordered to file an amended complaint specifically identifying each defendant and describing each claim made against him or her. Plaintiff sought and was granted three extensions of time to make such amendment, and on October 31, 2022, plaintiff filed the operative complaint. February 2, 2023, magistrate judge entered memorandum and recommendation wherein it is recommended that her claim under claim under Title VII be dismissed but her claims under 42 U.S.C. § 1983 and of negligence be allowed to proceed.


Plaintiff’s instant motion to “postpone” this case represents her sixth extension request to the file objections to the memorandum and recommendation. Plaintiff was cautioned in the court’s June 16, 2023, order granting her fourth extension request that absent a showing of good cause, an additional motion for extension may result the action being dismissed for failure to prosecute. Based upon representations that plaintiff had encountered medical issues pertaining to her vision, the court in its discretion again extended the deadline to file objections to memorandum and recommendation by August 3, 2023, text order. The court again warned plaintiff that, absent a

¹ Notably, Chief United States District Judge Richard E. Myers II (“Chief Judge Myers”) presided over the case until May 1, 2023, when it was reassigned upon his recusal to the undersigned. Chief Judge Myers’s recusal was prompted by plaintiff’s naming of him as one of approximately nineteen defendants based upon allegations comparable to those here raised. Chief Judge Myers found that plaintiff had failed to state a legitimate basis for his recusal, but nevertheless, in the interests of prudence and judicial efficiency, disqualified himself pursuant to 28 U.S.C. § 455(b)(5)(i). (See DE 28).

showing of exceptional circumstances, further extensions of time to file objections, if any, would not be permitted.

Plaintiff in the instant motion provides that she has an “open appeals case in Raleigh NC, 19 CRS 200588” to which plaintiff must give “her undivided attention.” (DE 34 at 2). On this basis, and consistent with its prior warnings, the court concludes dismissal is proper. The court accordingly DISMISSES WITHOUT PREJUDICE the instant action for failure to prosecute. See Fed. R. Civ. P. 41(b). The clerk is DIRECTED to close this case

SO ORDERED, this the 13th day of September, 2023.



LOUISE W. FLANAGAN
United States District Judge